

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION
NO: 7:13-CR-74-BR-2

UNITED STATES OF AMERICA)
)
 v.) **ORDER**
)
JORGE ERNESTO TINOCO)
)

This matter is before the court on defendant's *pro se* motion for return of property. (DE # 142.) Defendant seeks the return of his passport and cellular telephone.

The government filed a response to the motion. (DE # 146.) According to the government, "[i]n accordance with the Department of Homeland Security's procedures, the passport was placed into the Defendant's original Alien file and returned to the National Records Center." (Id. at 1.) "The Government has been unable to verify whether the seized passport is still in [defendant's] Alien file." (Id.) The government does not object to return of the passport, provided it is still in existence. Also, the government does not object to return of defendant's cellular telephone, provided a person designated by defendant retrieves it from the Department of Homeland Security's Cary, North Carolina office.

Accordingly, the motion is GRANTED. The Department of Homeland Security is ORDERED to (1) return defendant's passport to him, if still in existence, when he is removed from the United States to the Republic of Honduras and (2) return defendant's cellular telephone to an individual who presents a release form, signed and dated by defendant, to the Department of Homeland Security's Cary, North Carolina office. The United States Attorney is DIRECTED to serve copies of this order on the appropriate Department of Homeland Security

officers/employees to facilitate the return of defendant's property.

This 30 December 2016.

A handwritten signature in green ink, appearing to read "W. Earl Britt", is positioned above a horizontal line.

W. Earl Britt
Senior U.S. District Judge